

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Sharon P. Margello (SM 4852)
OGLETREE, DEAKINS, NASH
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
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(973) 656-1600
Attorneys for Defendants
Intertek Group PIC
and Caleb Brett, Inc.,

WENCILIO ADEVA, individually and on : Hon. Richard M. Berman
behalf of all other persons similarly situated, : Civ. Action No. 07-cv-6973
:

Plaintiff, :

v. :

NOTICE OF MOTION

INTERTEK GROUP, PIC and CALEB :
BRETT, INC., jointly and severally, :

Defendants. :

TO: Jeffrey M. Gottlieb, Esq.
Berger & Gottlieb
50 East 18th Street, Suite PHR
New York, NY 10003
Attorneys for Plaintiff

COUNSELOR:

PLEASE TAKE NOTICE that on Monday, September 24th at 10:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendant Intertek USA Inc., erroneously identified as, Caleb Brett, Inc., shall apply to the Honorable Richard M. Berman, U.S. District Court Judge, United States District Court for the Southern District of New York, by way of motion pursuant to the Federal Rules of Civil Procedure for an Order granting Defendant's Motion to Dismiss Plaintiff's

complaint pursuant to Rule 12(b)(6), or in the alternative for a more definite statement pursuant to Rule 12(e), and to transfer venue pursuant to Rule 12 (b)(3).

PLEASE TAKE FURTHER NOTICE that in support of said motion Defendant will rely on its Brief In Support Of Defendant's Motion To Dismiss The Complaint Or, In The Alternative, For A More Definite Statement.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Attorneys for Defendants

By: /s/ Sharon P. Margello
Sharon P. Margello (SM 4852)

Dated: August 28, 2007

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